From: T.Baden
To: Microsoft ATR
Date: 11/17/01 7:33am
Subject: DEPARTMENT OF JUSTICE AND MICROSOFT CORPORATION
(http://www.usdoj.gov/opa/pr/2001/November/01_at_569.htm)

Dear Sirs,
I read the posting at
http://www.usdoj.gov/opa/pr/2001/November/01_at_569.htm with great interest.

I work in the information technology (IT) industry. I started getting paid
to work with computers 1980. I have watched the implosion of IBM (and it?s
resurrection), I saw Apple start up, (building on great Xerox research).
Then a startup company put out inferior technology using questionable
tactics that ate the desktop market alive. I wholeheartedly support the
antitrust action against that company. But it is with a sense of ?what could
have been? I read current agreement.

While I would have preferred a stronger judgment (more later on that), I
understand the current climate mandates a lesser punishment. Please bear
with me as I detail:

It looks like the agreement is easy to enforce. Or is it? "Disclosure of
Middleware Interfaces" and "Disclosure of Server Protocols" are good
fulcrums to pin Microsoft down on, but may be difficult to enforce. The
published set of Microsoft interfaces is very large (and documented at a
mediocre level) set of interfaces and protocols: there are 10's of thousands
of them and while many of their characteristics are documented, many of the
ways they interact are not documented (it takes programmers years to learn a
useful subset of them). Without going into the details, I submit that you
will find the undocumented set of APIs and protocols to be at least as large
if not larger and the documentation to be worse. What if Microsoft publishes
a select group of these, enough so that the initial attempts to use them
take 12 months before people start to figure out there is something missing.
Meanwhile Microsoft releases 2 more versions of Windows (just the way
Microsoft did with IE) adding much more hidden functionality that makes the
old sets obsolete. I think the "On-Site Enforcement Monitors" would have a
terrible job of keeping up.

If there is at least the possibility that this might happen, it will be a
very significant barrier to the server and middleware developers.

Now instead (here's the later bit): contract "On-Site Enforcement Monitors"
to find every last stitch of Windows source code, and stamp it all "GNU copy
left" (see http://www.gnu.org/licenses/licenses.html) and publish. Should
not take more than a year, maybe less. Contract ends, enforcement complete,
no chance for Microsoft to renege (again) because "the horse has left the
barn". Also: do not split Microsoft, do not collect any money from
Microsoft.

The damage to Microsoft would be immense; it is possible that Microsoft may not recover from it. But, not only does Microsoft get a penalty, the IT industry gets a boost from the action: The IT community are given all windows code (and the right to make as many copies as they like).

I know Microsoft would never agree to such a thing. You'll need to fight for this one. But, this type ruling would send a much stronger message than any fine or break up: antitrust law would surly be regarded not to mess with after such a ruling.

Okay, back to reality:
I think you have a nice agreement given that the political reality of the day probably excludes the ?GNU copy left? option. Go get ?em!

I want to thank you for allowing me this opportunity to comment. One final thought:

Yes, this is about market and money, but for me, it feels personal. I expect that many people working the software development community feel this way: I respect good technological solutions to problems; I appreciate elegant (as mathematicians use the word) solutions to problems. What Microsoft did was much worse than violate antitrust law: elegant and good solutions count for almost nothing in the IT industry today (there are exceptions-the Palm for instance). I think this is sad. If a *strong* message is sent, maybe we can leave most of the mediocrity behind and get back to good elegant solutions.

Sincerely

Toby Baden.